

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF THE DENIAL)
BY THE CITY OF MUKILTEO OF A)
SUBSTANTIAL DEVELOPMENT PERMIT)
TO THE WASHINGTON STATE PARKS)
AND RECREATION COMMISSION,)
WASHINGTON STATE PARKS AND)
RECREATION COMMISSION,)
Appellant.)

SHB No. 7

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

This matter, a Request for Review of the denial of a Substantial Development Permit by the City of Mukilteo, came before all members of the Shorelines Hearings Board (Arden Olson sitting for Bert L. Cole and Arnold M. Hansen sitting for Tracy J. Owen) at a formal hearing in the Boy's Club, 1130 Second Street, Mukilteo, Washington on September 27, 1972.

The appellant, Washington State Parks and Recreation Commission, was represented by Malachy R. Murphy and Mr. Bill Wilson, City Attorney, appeared for the City of Mukilteo.

1 From the evidence presented (testimony and exhibits) and assisted
2 by the arguments of counsel, the Shorelines Hearings Board makes the
3 following:

4 FINDINGS OF FACT

5 I.

6 On August 10, 1971, the Washington State Parks and Recreation
7 Commission made application to the City of Mukilteo for a Substantial
8 Development Permit to construct an enlarged boat launching facility and
9 make other improvements at Mukilteo State Park which is located within
10 the City of Mukilteo. The beach in the park was a natural accretion beach
11 Pursuant to the application, the Mukilteo Planning Commission scheduled
12 three public hearings. The Mayor of Mukilteo advised the applicant of
13 the hearing date and meeting dates of the Planning Commission and City
14 Council. The three public hearings were conducted as scheduled and the
15 Planning Commission forwarded its findings and recommended decision to
16 the City Council on December 14, 1971. By unanimous vote, the City
17 Council denied the Substantial Development Permit on December 20, 1971
18 and approved and adopted the findings and recommended decision of the
19 Planning Commission.

20 II.

21 The work for which a Substantial Development Permit is sought would
22 involve dredging of up to 18,000 cubic yards of tidelands, the placing
23 of the dredged material on the inter-tidal area, the expansion of the
24 present launching ramp from 60 to 422 feet in width, the installation of
25 groins and a pile and plank breakwater supporting a fishing dock and a
26 revision and redesign of the existing 441 parking spaces on the backshore.

27 FINDINGS OF FACT,
CONCLUSIONS AND ORDER

1 III.

2 The City of Mukilteo has formally adopted a Comprehensive Develop-
3 ment Plan indicating a marine park where the state park is now located
4 on the City's central waterfront but with boat launching facilities at
5 the south end. This Comprehensive Development Plan is being updated with
6 consideration being given to the guidelines adopted by the Department of
7 Ecology pursuant to the Shoreline Management Act of 1971.

8 IV.

9 There is an unsatisfied demand for more boat launching capacity in
10 the area of Puget Sound directly and conveniently accessible to nearby
11 population concentrations. Limitations, both physical and operational
12 of the existing facility at Mukilteo State Park, have resulted in
13 traffic congestion and extensive backups of boat launching vehicles and
14 other vehicular traffic during peak periods.

15 V.

16 Proposals to meet needed boat launching facilities in the central
17 Puget Sound region are being formulated by a variety of governmental
18 agencies and by private enterprise; no coordination in the planning and
19 location of such facilities has been demonstrated.

20 VI.

21 The existing Mukilteo State Park boat launching facility, in its
22 present exposed location, is hazardous to users during adverse weather
23 conditions.

24 VII.

25 A series of three hearings before the Mukilteo Planning Commission
26 revealed little public support and substantial public objection to
27 expansion of boat launching facilities at Mukilteo State Park as

1 proposed by the State Park and Recreation Commission.

2 VIII.

3 Following procedures, and utilizing policies and criteria
4 established in the Shoreline Management Act, the City of Mukilteo denied
5 the application for a Substantial Development Permit as filed by the
6 Washington State Parks and Recreation Commission.

7 IX.

8 Natural accretion beaches are a limited natural resource being
9 continuously reduced by accelerated and unrestricted processes intended
10 to serve the demands of urbanization. Prior to the installation of the
11 existing 60 foot boat launching ramp and the extensive accessory black-
12 topped paved parking area, Mukilteo State Park comprised a natural
13 accretion beach, which would be further imperiled by the proposed
14 extension of the launching facility.

15 From these Findings of Fact, the Shorelines Hearings Board comes
16 to these

17 CONCLUSIONS

18 I.

19 This matter involves a difference of opinion between two public
20 agencies, each with its own mission and objectives. While the proposed
21 expanded boat launching facility would provide increased access to the
22 shorelines of the state by a limited segment of the public, the expanded
23 facility is not consistent with the planning objectives for the area as
24 determined by the City of Mukilteo.

25 II.

26 Access and egress to and from the existing and proposed expanded
27 facilities, while reasonably direct via a single roadway, must be shared

1 with high volumes of ferry traffic and that traffic seeking access to
2 the City's commercial waterfront from other parts of the City and its
3 environs; provision for alternative means of access are beyond the means
4 of the Park and Recreation Commission and is unlikely from other sources
5 in the foreseeable future.

6 III.

7 The proposed boat launching facility would consume 422 feet of natura
8 beach and the dredging and disposition of 18,000 cubic yards of excavated
9 material on the adjacent inter-tidal area and would have an uncertain but
10 potentially detrimental effect on adjacent beach areas.

11 IV.

12 The proposed development will not materially interfere with the
13 rights of navigation and would, in fact, facilitate the public's access
14 to shorelines of state-wide significance. There would be no foreseeable
15 adverse effects on public health and little adverse effect on aquatic
16 life and waterfowl on the involved shoreland or the adjacent tidal waters.

17 V.

18 There is a need for additional boat launching facilities to serve
19 the population tributary to central Puget Sound; a distribution and
20 location of such facilities should be coordinated on a regional basis
21 with full participation of concerned local government and consistent
22 with the policies and guidelines of the Shoreline Management Act.

23 VI.

24 The Parks and Recreation Commission's plan for Mukilteo State Park
25 would substantially expand the capacity of the existing boat launching
26 facility, providing a basis for increased traffic congestion over the
27 single means of access and egress to and from the park. Execution of the

26
1 plan as proposed would, in addition, consume a valuable segment of a
2 natural accretion beach and would result in a park largely dedicated and
3 devoted to the single purpose of launching boats most of whose owners and
4 occupants live beyond Mukilteo and its immediate environs.

5 VII.

6 Having been developed and constructed on a piece-meal basis over
7 a period of time, there is need for a redesign and redevelopment of
8 Mukilteo State Park. Such redesign should recognize the unique attributes
9 of the site, including its location adjacent to Mukilteo central water-
10 front and the potential for providing a multi-service park consistent
11 with the Comprehensive Plan of the City and consonant with the policies
12 and guidelines of the Shoreline Management Act.

13 VIII.

14 The Washington State Parks and Recreation Commission as the
15 applicant for a permit has not sustained the statutory burden of proving
16 that its proposed substantial development is consistent with the criteria
17 which must be met before a permit is granted; indeed, the City of
18 Mukilteo has proved to the contrary.

19 Therefore, the Shorelines Hearings Board makes this

20 ORDER

21 On the basis of the foregoing Findings of Fact and Conclusions, it
22 is hereby ordered that the decision of the City of Mukilteo to deny a
23 Substantial Development Permit to the Washington State Parks and
24 Recreation Commission be upheld and that the State Parks and
25 Recreation Commission should devise a plan for the redevelopment of
26 Mukilteo State Park which recognizes a broader spectrum of recreation
27 needs at the subject location with more park and less parking.

FINDINGS OF FACT,
RECOMMENDATIONS AND ORDER

DONE at Olympia, Washington this 5th day of December, 1972.

SHORELINES HEARINGS BOARD

Walt Woodward
WALT WOODWARD, Chairman

Matthew W. Hill
MATTHEW W. HILL, Member

Arnold M. Hansen
ARNOLD M. HANSEN, Member

Arden A. Olson
ARDEN A. OLSON, Member

Robert F. Hintz
ROBERT F. HINTZ, Member

James T. Sheehy
JAMES T. SHEEHY, Member

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